REMARKS

The undersigned thanks the Examiner for his time during the telephone interview of March 15, 2006. These remarks include a summary of the discussion during that interview.

In the Final Office Action, the Examiner objected to claims 1, 8, 9, 86, and 97 because of minor informalities; rejected claims 1, 7-10, 25, 26, 50, 62, 65, 68, 76, 77, 84-87, 102, 128, and 134-136 under 35 U.S.C. § 102(b) as anticipated by Katayama, U.S. Patent 5,696,750; rejected claims 13 and 90 under 35 U.S.C. § 103(a) in view of Katayama and Yoo et al., U.S. Patent 6,363,046; and rejected claims 14, 15, 19, 91, 92, and 96 under 35 U.S.C. § 103(a) in view of Katayama and Saito et al., U.S. Patent 6,192,021. According to the Examiner, claims 113 and 114 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment after final, Applicants propose to amend claims 1, 8, 14, 19, 77, 85, 91, 96, 135, and 136; add new claims 137-140; and cancel claim 97 without prejudice or disclaimer. The amendments do not narrow the scope of the amended claims. Applicants respectfully submit that pending claims 1, 7-10, 13-15, 19, 25, 26, 50, 62, 65, 68, 76, 77, 84-87, 90-92, 96, 102, 113, 114, 128, 134-140 are in condition for allowance and that no new matter has been added.

Applicants have amended claims 1 and 8 and cancelled claim 97, thereby rendering moot the Examiner's objection to these claims.

Claim 9 depends from independent claim 1 mentioning "n" through intervening claims 7 and 8. Therefore, claim 9 is an appropriate dependent claim, and Applicants request withdrawal of the objection to claim 9.

Claim 86 depends from independent claim 77 mentioning "n" through intervening claims 84 and 85. Therefore, claim 86 is an appropriate dependent claim, and Applicants request withdrawal of the objection to claim 86.

Applicants respectfully traverse the rejection of claims 1, 7-10, 25, 26, 50, 62,65, 68,76,77, 84-87, 102, 128, 134, 135 and 136 under 35 U.S.C. § 102(b) as anticipated by Katayama.

Amended claim 1 recites:

> An optical pickup apparatus, . . ., wherein in case that the first light flux passes through the first diffractive portion to generate at least one diffracted ray, an amount of first n-th ordered diffracted ray of the first light flux is greater than that of any other ordered diffracted ray of the first light flux, and in case that the second light flux passes through the first diffractive portion to generate at least one diffracted ray, an amount of the second n-th ordered diffracted ray of the second light flux is greater than that of any other ordered diffracted ray of the second light flux, where n stands for one integer other than zero and the n of the first n-th ordered diffracted ray is equal to the n of the second n-th ordered diffracted ray; . . .

As set forth in detail in the Preliminary Amendment, Katayama discloses different ordered light beams used for different disks or using only the 0-th ordered light beam. While Applicants do not necessarily agree with the Examiner's claim interpretation, Applicants amend the claims to address the Examiner's concerns. Thus, Katayama does not disclose or suggest the converging optical system of claim 1.

Applicants amend independent claims 77, 135, and 136 and assert that at least the arguments that apply to claim 1 similarly to claims 77, 135 and 136. Thus, Applicants respectfully submit that the rejection of claim 77, 135 and 136 should be withdrawn for at least the same reason as for claim 1.

Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a).

A prima facie case of obviousness has not been established because, among other things, none of the references cited by the Examiner, nor any reasonable combination of those references, teaches or suggests each and every feature of Applicants' claims.

During the telephone interview, the Examiner cited Yoo et al., U.S. Patent 6,222,817.

Yoo discloses, "[t]he hologram structure includes a diffraction grating portion whose diffraction efficiency is maximized with respect to the 780 nm wavelength light having a diffraction order of non-zero and whose diffraction efficiency is 100% with respect to the 650 nm wavelength light having the diffraction order of zero" (col. 4, lines 32-37). Therefore, in Yoo, the 0th ordered diffracted ray is used for 650 nm light and a diffracted ray other than 0th ordered diffracted ray is used for 780 nm light. Yoo does not disclose that same ordered diffracted rays are used for both of 650 nm light and 780 nm light.

Yoo therefore does not teach or suggest:

> . . . wherein in case that the first light flux passes through the first diffractive portion to generate at least one diffracted ray, an amount of first n-th ordered diffracted ray of the first light flux is greater than that of any other ordered diffracted ray of the first light flux, and in case that the second light flux passes through the first diffractive portion to generate at least one diffracted ray, an amount of the second n-th ordered diffracted ray of the second light flux is greater than that of any other ordered diffracted ray of the second light flux, where n stands for one integer other than zero and the n of the first n-th ordered diffracted ray is equal to the n of the second n-th ordered diffracted ray;

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 7-10, 13-15, 19, 25, 26, 50, 62, 65, 68, 76,

77, 84-87, 90-92, 96, 102, 113, 114, 128, 134-140 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 8, 14, 19, 77, 84, 85, 91, 96, 135, and 136 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicants further submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 31, 2006

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